

REMARKS

Claims 1-4, 7-13, and 15-17 are all the claims pending in this application. Claim 1 has been amended herein. This Response, submitted in reply to the Office Action dated August 20, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claim Rejections 35 U.S.C. § 103

Claims 1, 4, 9, 12, 15 and 17 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamamoto (US 5,048,223; henceforth “Yamamoto ‘223”) in view of Wallace (US 3,778,916) and Werner (US 6,620,286). Applicant notes that the Office Action indicates claims 1-4 are rejected based on this combination of references. However, in the Office Action, the Examiner acknowledges that this combination of references does not teach the features of claims 2 and 3 and provides an additional reference discussed below. Therefore, Applicant submits that by the Examiner’s own admission, claims 2 and 3 are patentable over the above combination of references. Applicant respectfully traverses the rejection of the remaining claims based on this combination of references.

Claim 1

In rejecting claim 1, the Examiner asserts (with reference to Fig. 2) that Yamamoto ‘223 discloses a fishing rod comprising a rod pipe that is inserted into a tubular body 12, and a body (material between 12a and 12e) that is integrally molded with the tubular body 12. In the previously filed response, Applicant argued that the material between elements 12a and 12e is part of the reel mounting member 12 which the Examiner asserts corresponds to the tubular member. Thus, Applicant argued that the Examiner was asserting two portions of the same

element for teaching two discrete elements, or bodies in this case, which were integrally molded together.

In response to this argument, the Examiner asserts that Yamamoto '223 shows a separate section molded to the whole tubular body. Further, the Examiner asserts that the very meaning of the phrase “integrally molded” means part of the same piece. Therefore, the Examiner asserts that Yamamoto '223 meets the claimed limitations. Applicant submits that the Examiner has misconstrued the applied reference.

Claim 1 recites, in part, “a tubular body to which the rod pipe is inserted and fitted” and “a tubular transparent synthetic resin body integrally molded with the tubular body.” In other words, claim 1 recites two discrete bodies which are integrally molded. Further, the plain and ordinary meaning of the phrase “integrally molded” is molded together, not part of the same piece as the Examiner asserts. Therefore, claim 1 recites two separate and discrete bodies which have been molded together. Yamamoto '223 does not teach this claimed structure. Therefore, Applicant submits that claim 1 is patentable for this reason.

Further, in rejecting claim 1, the Examiner acknowledged that Yamamoto '223 fails to teach a “concealing film” as recited, but instead relies on Werner for this feature. In the previously filed response, Applicant argued that Werner merely discloses a carrier 28 having first and second sides 30, 32 with each side having adhesive 12 thereon. However, Werner does not teach or disclose the carrier being non-transparent and thus does not teach a “concealing film”.

In response to these arguments, the Examiner has asserted that the present claims do not require the film be opaque, and further asserts that we acknowledged that the carrier element can be made of other materials beside polymeric film. Applicant submits that the Examiner has misconstrued the applied reference.

Claim 1 recites “a concealing film formed on at least one edge face portion of the synthetic resin body”. As would be apparent to a person of ordinary skill in the art, a concealing film is a film which conceals something. As used in claim 1, the concealing film is formed on at least an edge face portion of the synthetic resin body. Further, by definition, something which is transparent can be seen through, and something which can be seen through cannot conceal anything. Therefore, an inherent requirement of a concealing film is that it be non-transparent so that it can conceal. Further, in support of this inherent feature of the recited “concealing film”, claim 1 has been amended to explicitly recite “non-transparent concealing film”. Werner does not teach a non-transparent film and thus Applicant submits claim 1 is patentable over the applied references for this additional reason.

Further, claim 1 recites “the tubular body and the tubular transparent synthetic body are formed from different materials, integrally molded together”. None of the references applied by the Examiner teach this feature. Thus, Applicant submits that claim 1 is patentable over the applied references for this additional reason. For all the reasons set forth above, Applicant respectfully requests that the rejection of claim 1 and all claims dependant thereon be withdrawn.

Claim 17

Claim 17 depends from claim 1, which has been shown above to be patentable over the applied references. Therefore, Applicant respectfully submits that claim 17 is patentable at least by virtue of its dependency.

Further, claim 17 recites “wherein the tubular body, to which the rod pipe is inserted and fitted, is reinforced; and wherein the tubular transparent synthetic resin body, which is integrally molded with the tubular body, is made of a material softer than that of the tubular body.” In other words, claim 17 recites that the tubular body and the tubular transparent synthetic resin

body are integrally molded but formed of substances having different material properties. The Examiner does not point to any teaching in Yamamoto '223, which teaches integrally molding two discrete bodies having different material properties as claimed. Therefore, Applicant submits that claim 17 is patentable for this additional reason and respectfully requests that this rejection be withdrawn.

Claim 9

Claim 9 recites “a reinforced tubular body” and a “...body which is integrally molded with an outer side of the tubular body... and is made of a material softer than that of the tubular body”. In the previously filed response, Applicant argued that the reel mounting member 12 of Yamamoto '223, does not teach or suggest a tubular body and a body integrally molded with tubular body having these properties, because the reel mounting member is formed of one material and not two materials integrally molded together as claimed.

In response to this argument, the Examiner asserts that Yamamoto '223 teaches element 13 has being made from a cork or foam material which would be softer than the tubular body. Applicant submits that the Examiner has misconstrued the applied reference.

While it may be true that Yamamoto '223 teaches another component 13 is made from a softer material, this component is unrelated to the elements which the Examiner asserts correspond to the claimed tubular body and resin body. Therefore, element 13 has no relevance to Applicant's argument that Yamamoto does not teach “a reinforced tubular body” and “a synthetic resin body which is integrally molded with ...the tubular body...and is made of material softer than the tubular body” as claimed. Claim 9 recites that two discrete bodies, formed of compounds having different material properties are integrally molded together.

Yamamoto fails to teach this structure. Therefore, Applicant submits that claim 9 is patentable for this reason.

Applicant also submits that to the extent that claim 9 recites features similar to those discussed above, claim 9 is also patentable for reasons analogous to those discussed above. Further, Applicant submits that all claims dependant upon claim 9 are patentable at least by virtue of their dependency and respectfully requests that the rejection of these claims be withdrawn for at least these reasons.

Claims 2 and 3

Claims 2 and 3 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamamoto '223 in view of Wallace and Yamamoto et al (US 6,105,302; henceforth "Yamamoto'302"). Applicant respectfully traverses this rejection.

Claims 2 and 3 depend from claim 1, which has been shown above to be patentable over the combination of Yamamoto '223 and Wallace. Yamamoto '302 does not cure any of the deficiencies of Yamamoto '223 and Wallace discussed above. Therefore, Applicant respectfully submits that claims 2 and 3 are patentable at least by virtue of their dependency and requests that that the rejection of these claims be withdrawn.

Claims 7, 8, 10, 11, 13, and 16

Claims 7, 8, 10, 11, 13, and 16 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Yamamoto et al. (US 6,105,302; henceforth "Yamamoto '302"). Applicant respectfully traverses this rejection.

In rejecting claim 7, the Examiner asserts that Yamamoto '302 teaches a fishing rod comprising a reinforced tubular body and a synthetic resin body which is bonded to the outside of the tubular member and which is formed of a material softer than the reinforced tubular body.

The Examiner acknowledges that Yamamoto '302 fails to teach the tubular body and the synthetic resin body being integrally molded. However, the Examiner asserts that it would have been obvious to one of ordinary skill in the art to integrally mold the two bodies, since *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893) holds that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. See page 5 of the Office Action. Applicant submits that the Examiner has clearly misconstrued *Howard*.

Howard v. Detroit Stove Works involved a series of patents relating to stoves. The court in that case held that it was obvious to cast an oven door from a single piece of cast iron when previously multiple pieces of cast iron had been previously bolted or riveted together to form a door. The individual pieces had previously been formed of the same material, and thus had the same material properties. Thus, the court held that it was obvious to form as one piece what had, up until that point been formed from smaller pieces of the same material, riveted or bolted together.

Conversely, claim 7 describes a reinforced tubular body and a synthetic resin body integrally formed with the outer side of the tubular body and made of a material softer than that of the tubular body. In other words, claim 7 involves integrally molding two discrete components which are formed from different materials having different hardness values.

Applicant submits the structure recited in claim 7 is very different from casting an oven door as a single piece of cast iron. Applicant further submits that it is not a matter of routine skill to integrally mold a reinforced tubular body and a synthetic resin body having different material properties as recited in claim 7.

Applicant notes that these arguments were made in the previously filed response and the Examiner has failed to address them in any way. Therefore, Applicant submits that they remain valid and thus, Applicant submits that Yamamoto '302 does not teach the above discussed feature, and claim 7 is therefore patentable over Yamamoto '302. Further, Applicant would submit that claims 8, 10, 11, 13, and 16 all depend from claim 7 and are patentable at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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